

REMARKS

The Examiner has made a restriction requirement under 35 U.S.C. § 121 between the inventions of:

Group I. Claims 1-12, drawn to a process for regeneration of a nitrogen oxide catalyst, classified in class 502, subclass 200.

Group II. Claim 13, drawn to a device for regeneration of a nitrogen oxide catalyst, classified in Class 422, subclass 211.

In response, Applicants provisionally elect with traverse Group I, claims 1-12, but expressly reserve the right to pursue the non-elected embodiments at a later time or in one or more divisional applications and/or continuation applications.

The Examiner's alleged basis for the restriction between the inventions is that the claims in Groups I-II are patentably distinct and require separate searches, which would cause an undue burden on the U.S. Patent Office to search more than one class. Applicants respectfully disagree, and submit that the Examiner has not met the burden of establishing: i) two or more independent and distinct inventions claimed in one application under 35 U.S.C. § 121, and ii) the search would be an undue burden on the U.S. Patent Office.

The Examiner presents only general assertions that the claims are different with respect to method steps, and that the apparatus can be performed in a materially different manner. Applicants submit that the claims are linked by the common conceptual scheme involving regeneration of nitrogen oxide storage catalysts and thus the distinction between Groups I and II is unclear. The Examiner also has not established that the inventions in Groups I and II are independent and distinct and would require separate searches. For example, Group II (claim 13) includes a device for regeneration of a nitrogen oxide catalyst that the Examiner places in Class 422, which is in the class of chemical apparatus and process for disinfecting, deodorizing, preserving, or sterilizing and subclass 211 which includes solid, extended surface, fluid contact reaction means; e.g., particulate absorbent, particulate or monolithic catalyst, etc. Yet the Examiner places Group I, claims 1-12 directed to the process of regenerating a nitrogen oxide catalyst in Class 502 catalyst, solid sorbent, or support therefor: product or process of making and in subclass 200 nitrogen containing compounds. It appears that Group I claims involving process of regenerating a nitrogen oxide catalyst should also be placed in Class 422, subclass

211. Thus, the Examiner would almost certainly search Class 422 for Group I and cite the same reference in one group against the other groups. Applicants submit that separate searches for each of the alleged groups would be substantially duplicative, and the Examiner has not demonstrated that a search directed to one group is unreasonable or would present an undue burden on the U.S. Patent Office. Accordingly, Applicants respectfully request the restriction requirement to be withdrawn.

Pursuant to 37 CFR 1.136(a), an extension of time of 1 month is hereby requested. A check in the amount of \$120.00 is enclosed to cover the fee for the extension of time. If any additional fees are due or any overpayment has been made, please charge our Deposit Account No. 11-0171 or credit our Deposit account for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicants' attorney at the telephone number provided below.

Respectfully submitted,



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